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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BOARD OF TRUSTEES OF THE
EMPLOYEE PAINTERS' TRUST; BOARD
OF TRUSTEES OF THE DISTRICT
COUNCIL 16 NORTHERN CALIFORNIA
JOURNEYMAN AND APPRENTICE
TRAINING TRUST FUND; BOARD OF
TRUSTEES OF THE SOUTHERN NEVADA
PAINTERS AND DECORATORS AND
GLAZIERS LABOR-MANAGEMENT
COOPERATION COMMITTEE TRUST;
BOARD OF TRUSTEES OF THE
SOUTHERN NEVADA AND CALIFORNIA
GLAZIERS, FABRICATORS, PAINTERS
AND FLOORCOVERERS PENSION TRUST
FUND; BOARD OF TRUSTEES OF THE
INTERNATIONAL PAINTERS AND
ALLIED TRADES INDUSTRY PENSION
FUND; BOARD OF TRUSTEES OF THE
PAINTERS AND ALLIED TRADES LABOR
MANAGEMENT COOPERATION
INITIATIVE; BOARD OF TRUSTEES OF
THE FINISHING TRADES INSTITUTE;
IUPAT POLITICAL ACTION TOGETHER
FUND; STAR PROGRAM, INC.; SOUTHERN
NEVADA PDCA/FCA INDUSTRY
PROMOTION FUND,

Plaintiffs,

vs.

OLYMPUS CONSTRUCTION LV, INC., a
Nevada corporation; HOSPITALITY
RENOVATION SERVICES, LLC, a Nevada
limited liability company; PHILIP GLEN
FRIEDBERG, an individual; MARIE JAN
BOWER, an individual; WESTERN

CASE NO.: 2:24-cv-01023-APG-NJK

**PLAINTIFFS' MOTION TO
EXCEED PAGE LIMITS**

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1 NATIONAL MUTUAL INSURANCE
2 COMPANY, a Minnesota corporation; GREAT
3 AMERICAN INSURANCE COMPANY, an
4 Ohio corporation; DOES I-X and ROES I-X,

5
6 Defendants.

7
8 OLYMPUS CONSTRUCTION LV, INC.;
9 HOSPITALITY RENOVATION SERVICES,
10 LLC; PHILIP GLEN FRIEDBERG; MARIE
11 JAN BOWER,

12 Counterclaim-Plaintiffs,

13 vs.

14 BOARD OF TRUSTEES OF THE
15 EMPLOYEE PAINTERS' TRUST; BOARD
16 OF TRUSTEES OF THE DISTRICT
17 COUNCIL 16 NORTHERN CALIFORNIA
18 JOURNEYMAN AND APPRENTICE
19 TRAINING TRUST FUND; BOARD OF
20 TRUSTEES OF THE SOUTHERN NEVADA
21 PAINTERS AND DECORATORS AND
22 GLAZIERS LABOR-MANAGEMENT
23 COOPERATION COMMITTEE TRUST;
24 BOARD OF TRUSTEES OF THE
25 SOUTHERN NEVADA AND CALIFORNIA
26 GLAZIERS, FABRICATORS, PAINTERS
27 AND FLOORCOVERERS PENSION TRUST
28 FUND; BOARD OF TRUSTEES OF THE
INTERNATIONAL PAINTERS AND
ALLIED TRADES INDUSTRY PENSION
FUND; BOARD OF TRUSTEES OF THE
PAINTERS AND ALLIED TRADES LABOR
MANAGEMENT COOPERATION
INITIATIVE; BOARD OF TRUSTEES OF
THE FINISHING TRADES INSTITUTE;
IUPAT POLITICAL ACTION TOGETHER
FUND; STAR PROGRAM, INC.;
SOUTHERN NEVADA PDCA/FCA
INDUSTRY PROMOTION FUND,

Counterclaim-Defendants.

24 The Trustees of the Employee Painters' Trust, et al. ("Plaintiffs"), hereby move this
25 Court, pursuant to Local Rule 7-3(c), for permission to file a Motion to Strike Defenses of up to
26 30 pages.

1 Local Rule 7-3(b) of the United States District Court for the District of Nevada provides
 2 that all non-summary judgment motions are limited to 24 pages, absent a showing of good
 3 cause. LR 7-3(a) states, "Parties must not circumvent this rule by filing multiple motions." In
 4 this Case, Plaintiffs intend to file a motion to strike one-hundred fifteen (115) defenses asserted
 5 by six (6) Defendants in four (4) separate Answers. Given their sometimes-lengthy names and
 6 the overall number of litigants (at least 16), the case caption, alone, occupies 2 pages.

7 Plaintiffs sought to condense and streamline the motion to strike, but found that they
 8 needed more than the allotted 24 pages to adequately present their arguments. Because the
 9 motion to strike cannot be fully briefed within the page limits set by rule, good cause exists to
 10 grant permission for an extension of up to six (6) additional pages (the motion to strike would
 11 therefore be limited to a maximum of 30 pages). *See* generally Declaration of Daryl Martin.
 12 Consistent with LR 7-3(c), the Plaintiffs intend to supply a table of contents and a table of
 13 authorities along with the proposed over-length motion to strike defenses.

14 Conclusion

15 Plaintiffs respectfully request that this Court grant them leave to file the aforementioned
 16 motion to strike defenses of up to 30 pages in length.

17 DATED this 24th day of September, 2024.

18 **CHRISTENSEN JAMES & MARTIN**

19 By: /s/ Daryl E. Martin
 20 Daryl E. Martin, Esq.
 21 Nevada Bar No. 006735
 22 7440 W. Sahara Avenue
 23 Las Vegas, Nevada 89117
 24 *Attorneys for Plaintiffs Board of*
 25 *Trustees of the Employee Painters'*
 26 *Trust, et al.*
 27
 28

DECLARATION IN SUPPORT OF MOTION TO EXCEED PAGE LIMITS

I, Daryl E. Martin, under penalty of perjury of the laws of the United States of America and the State of Nevada, declare as follows:

1. I am an attorney employed by Christensen James & Martin, counsel for the Plaintiffs in the above-referenced Case.

2. Plaintiffs are preparing two motions: a Motion to Strike Defenses and a Motion to Dismiss Counterclaims. In the Motion to Strike, Plaintiffs will address one-hundred fifteen (115) affirmative defenses listed in four (4) separate Answers, which were filed by six (6) Defendants.

3. Local Rule 7-3(b) of the United States District Court for the District of Nevada states that all non-summary judgment motions are limited to no more than twenty-four (24) pages. The Rule also states that it may not be circumvented by the filing of multiple motions.

4. Consistent with Local Rule 7-3(b), Plaintiffs tried to present all issues relevant to the Motion to Strike within the page limits set by rule, but found that they could not do so. This is in part due to the number of litigants (16) and the relatively long names used by ERISA trust funds. The case caption, alone, takes up 2 pages.

5. Based on the foregoing, I respectfully submit that good cause exists to permit the Plaintiffs to file motions exceeding the page limits of LR 7-3 by up to six (6) pages, meaning that the motion to strike defenses would not exceed 30 pages.

6. Consistent with LR 7-3(c), Plaintiffs will be supplying a tables of content and a table of authorities for the motion to strike.

7. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed this 24th day of September, 2024, at Las Vegas, Nevada.

/s/ Daryl E. Martin
Daryl E. Martin

CERTIFICATE OF SERVICE

I am an employee of Christensen James & Martin. On the date of filing of the foregoing papers with the Clerk of Court I caused a true and correct copy to be served in the following manner:

☒ ELECTRONIC SERVICE: Pursuant to Local Rule LR IC 4-1 of the United States District Court for the District of Nevada, the above-referenced document was electronically filed and served on all appearing parties through the Notice of Electronic Filing automatically generated by the Court.

☐ UNITED STATES MAIL: By depositing a true and correct copy of the above-referenced document into the United States Mail with prepaid first-class postage, addressed to the parties at their last-known mailing address(es):

☐ OVERNIGHT COURIER: By depositing a true and correct copy of the above-referenced document for overnight delivery via a nationally-recognized courier, addressed to the parties listed below which was incorporated by reference and made final in the w at their last-known mailing address.

☐ FACSIMILE: By sending the above-referenced document via facsimile to those persons listed on the attached service list at the facsimile numbers set forth thereon.

CHRISTENSEN JAMES & MARTIN

By: /s/ Natalie Saville